

REMARKS

Claims 1-39 are in the case. Claims 1-9 and 32-39 are withdrawn from consideration by the Examiner; Claims 10-31 are under consideration and have been rejected under 35 USC 103 (a) as being unpatentable over Ageishi et al. in view of Schlosberg et al.

Applicant's would first like to thank Examiner Eashoo for the very helpful and courteous discussion of January 8, 2008. During the discussions, Applicant's representative urged that one of ordinary skill in the art would not combine the references and even if combined the references do not fairly suggest the present invention.

The following remarks are intended to summarize and expand upon the aforementioned discussion.

The present invention, as set forth in Claim 10, concerns:

A process for the production of a plasticiser ester comprising:

- (i) esterifying an acid or an anhydride with an alcohol containing from 6 to 13 carbon atoms to form a crude ester;
- (ii) treating the crude ester with a base to form a treated ester;
- (iii) filtering the treated ester to separate a liquid product;
- (iv) stripping the liquid product to form a stripped material;
- (v) treating the stripped material with an adsorbent; and
- (vi) filtering the product of step (v), optionally in the presence of a filter aid, to remove the adsorbent from the plasticiser ester.

Ageishi et al., U.S. 5,880,310, is cited as the primary reference in the Official Action. It was cited and specifically distinguished from the present invention in the original specification - see paragraph [0012].

More specifically, the present inventors teach that the process of Ageishi et al. does not achieve a high purity product because, among other reasons, "[s]tripping with steam in the presence of alkali can cause hydrolysis of the ester, which would be expected to increase light ends." Paragraph [0012], second to last sentence, of the present specification.

Ageishi et al. teaches the following steps:

- (i) deoxidized alcohol is esterified with an organic acid;

- (ii) alkaline solution is added to neutralize excess acid;
- (iii) carbon dioxide gas is added to neutralize excess alkali;
- (iv) excess alcohol is recovered (by stripping);
- (v) a purified product is obtained by filtering through filter aid.

It has been proposed in the Official Action that it would have been obvious from Schlosberg et al. to filter the solids from the ester mixture and then remove excess alcohol by stripping.

This position is respectfully traversed.

First of all, Schlosberg et al. is concerned with oxidative stability in a composition to be used as a lubricant, whereas both the present invention and Ageishi et al. are concerned with material for insulation such as in cable wiring.

Secondly, even if one of skill in the art were to look to Schlosberg et al. for alternative steps, it is clear that the secondary reference does not, in fact, teach avoidance of stripping prior to filtering. Rather, as set forth in detail in column 5 of Schlosberg et al., the reference teaches:

- (i) esterification;
- (ii) addition of absorbents;
- (iii) addition of base;
- (iv) removal of water "in a flash step" (e.g., stripping)
- (v) filtration of solids from "the bulk of excess alcohol" (emphasis added);
- (vi) removal of excess alcohol by stripping;
- (vii) removal of residual solids by filtration.

Thus, Schlosberg et al. does not avoid a stripping step before filtration. Clearly step (iv) heats the product, along with water and alcohol, in the presence of solids and base. As taught in the present specification (vide supra), such a step of stripping in the presence of basic material (alkali) and solids would be expected to lead to increase in light ends in the final product, which is avoided by the present claims. Furthermore, it is also clear from the adjectival expression "the bulk", it is recognized by Schlosberg that some alcohol is removed before step (v), i.e., in step (iv). Schlosberg et al. went the extra step of adding the expression "the bulk" because he knew that not insignificant portions of alcohol would be removed in the flashing step (iv).

One of ordinary skill in the art also would not combine Ageishi et al. with Schlosberg et al. because the addition of absorbents occurs late in the former reference but early in Schlosberg et al. The suggestion of a selective reversal of steps in Ageishi et al. to meet the limitations of the present

invention is "picking and choosing" selectively from the secondary reference while avoiding consideration of the invention as a whole. There would be no reason to alter Ageishi et al. in the manner suggested unless the absorbents are added first, as in Schlosberg et al. In the present invention, as set forth in Claim 10, the absorbents are added last and then filtered.

For these reasons, it is respectfully requested that the rejection under §103 be withdrawn.

There being no further issues, Applicants respectfully urge that the present application is in condition for allowance and early indication of such is earnestly solicited.

Respectfully submitted,

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